

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Beckmann and Cerretti

Serial No.: 09/904,954

Group Art Unit No.: 1646

Filed: July 12, 2001

Examiner: Prema Maria Mertz

For: DNA ENCODING A HEK-LIGAND POLYPEPTIDE (as amended)

Docket No.: 2814 G

LETTER TRANSMITTING TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer.

Please charge \$110.00 (37 CFR 1.20 (d)) to Deposit Account No. 09-0089 in the name of Immunex Corporation. The Commissioner is hereby authorized to charge any additional fees, which may be required or credit any overpayment to Deposit Account No. 09-0089. An original and one copy of this paper are enclosed.

Respectfully submitted,



Randolph N. Mohr
Attorney/Agent for Applicant(s)
Registration No.: 45,590
Phone: (805) 447-8949
Date: June 18, 2004

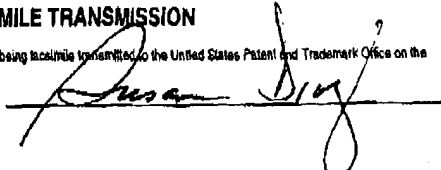
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US Patent Operations/ RNM
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

June 18, 2004
Date



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**TERMINAL DISCLAIMER TO OBIVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

| FEE VALUE ACCOUNTABILITY | |
|-----------------------------|---------------|
| DEPOSIT ACCOUNT NO. | |
| 09 | 0089 |
| FEE CODE | VALUE PAID |
| 110 | 1814 |
| | |
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| | |
| | |

Petitioner, Immunex Corporation is the owner of the entire interest in the instant application.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U. S. Patent No. 5,516,658, and hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U. S. Patent No. 5,516,658, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on said above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of U. S. Patent No. 5,516,658 in the event that said U. S. Patent No. 5,516,658 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Copies of the assignment documents in the chain of title from the original owner to assignee are attached, and were recorded in the U. S. Patent and Trademark Office at reel 7072 and frame 0262.

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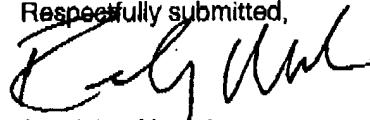
06/24/2004 JMASON 00000001 090089 09904954
Sale Ref: 00000001 DAW: 090089 09904954
01 EC:1814 110.00 DA

PATENT APPLICATION

The undersigned has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Randolph N. Mohr
Attorney/Agent for Applicant(s)
Registration No.: 45,590
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Date: June 18, 2004

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